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Agreement between the Ministry of Health of Ukraine and the Ministry of Defense of the United States of America regarding cooperation in the field of prevention spread...

August 29, 2005

Agreement between the Ministry of Health of Ukraine and the Ministry of Defense of the United States of America regarding cooperation in the field of preventing the spread of technologies, pathogens and knowledge that can be used in the development of biological weapons

Date of signing: 29.08.2005

Date of entry into force for Ukraine: 08/29/2005

The Ministry of Health of Ukraine and the Department of Defense of the United States of America (hereinafter - the Department of Defense of the United States), collectively referred to as the Parties,

seeking to implement the Agreement between Ukraine and the United States of America on providing assistance to Ukraine in the elimination of strategic nuclear weapons, as well as preventing the proliferation of weapons of mass destruction (840_007), signed on October 25, 1993 with subsequent amendments and additions (hereinafter - the "Framework Agreement") in the part related to the prevention of the spread of technologies, pathogens and knowledge that can be used in the development of biological weapons,

recognizing the existing cooperation between the Scientific and Technological Center in Ukraine and the Lviv Research Institute of Epidemiology and Hygiene,

and noting that in accordance with Article II of the Framework Agreement (840_007) The Ministry of Health of Ukraine is designated by the Government of Ukraine (Cabinet of Ministers) as the executive body for the implementation of this Agreement,

agreed on the following:

Article I

1. In order to provide assistance to Ukraine in preventing the spread of technologies, pathogens and knowledge located in the Research Institute of Epidemiology and Hygiene (Lviv), the Ukrainian Scientific Research Anti-Plague Institute (Odesa) and the Central Sanitary and Epidemiological Station (Kyiv), as well as other facilities in Ukraine, determined by the Ministry of Health of Ukraine, which can be used in the course of the development of biological weapons, in accordance with the provisions of this Agreement, the US Department of Defense provides free assistance to the Ministry of Health of Ukraine in the amount of available funds , allocated to achieve this goal.

2. The Ministry of Health of Ukraine uses all materials (including equipment, tools and other supplies), training of specialists and services provided in accordance with this Agreement exclusively to prevent the spread of technologies, pathogens and knowledge located at the facilities in Ukraine, and which can be used in the course of developing biological weapons.

3. This Agreement and all measures used in accordance with this Agreement must comply with the provisions of the Framework Agreement (840_007). In the event of any inconsistency between this Agreement and the Framework Agreement, the provisions of the Framework Agreement shall prevail.

4. The Ministry of Health of Ukraine shall submit to the US Department of Defense a list of facilities in Ukraine that may receive assistance in accordance with this Agreement, in which the Ministry of Health of Ukraine shall determine the order of priority for the provision of such assistance.

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Article II

1. Each Party to this Agreement has the right, after sending a written notice to the other Party, to delegate responsibility for the implementation of this Agreement to other organizations, ministries, departments or units of their respective Governments in accordance with the national legislation of this Party.

2. To coordinate activities under this Agreement, each Party to this Agreement has the right, after sending a written notice to the other Party, to appoint technical representatives who will be responsible for materials, training of specialists and services provided in accordance with this Agreement.

Article III

1. The total cost of the US Department of Defense for all materials, training and services provided under this Agreement, as well as related costs, will be up to 15 (fifteen) million US dollars.

2. Assistance provided by the United States Department of Defense to the Ministry of Health of Ukraine pursuant to paragraph 1 of Article I may include, but is not limited to, assistance for joint research in the field of biology, detection of dangerous biological agents and response, improvement of protection of biological materials, monitoring and reporting on them in order to reduce the risk of theft or unauthorized use of dangerous pathogens located at the facilities of Ukraine, defined in paragraph 1 of Article I.

3. In accordance with the provisions of this Agreement, the US Department of Defense may, at its discretion, provide other types of assistance to the Ministry of Health of Ukraine in accordance with a written agreement between both Parties.

Article IV

1. The Department of Health Protection to the US Department of Defense in Ukraine helps during the execution of this Agreement.

2. The Ministry of Health of Ukraine coordinates its activities with relevant ministries and other state institutions and organizations of Ukraine in order to ensure:

(a) priority consideration of materials provided in accordance with this Agreement in order to deliver them to their final destination in Ukraine as soon as possible;

(b) usage relevant activities of security concerning representatives, contractors and equipment of the US Department of Defense at facilities related to the activities provided for in this Agreement.

3. The Ministry of Health of Ukraine facilitates the verification by the relevant ministries and other state institutions and organizations of Ukraine of all materials received in accordance with this Agreement, and provides the US Department of Defense with confirmation of their acceptability within 10 days of receiving the results of such verifications. Materials that do not meet the agreed requirements are returned at the expense of the US Department of Defense to the US Department of Defense through the Embassy of the United States of America in Kyiv within 30 days of their receipt for replacement.

4. The Ministry of Health of Ukraine or an institution designated by it collects and stores all dangerous pathogens in reliable centralized laboratories documented by the parties that have received or are receiving assistance from the US Department of Defense in accordance with this Agreement (hereinafter - centralized laboratories). The US Department of Defense can provide molecular diagnostic capabilities, advanced telecommunications equipment, and equipment for the safe and timely transport of field-selected pathogen strains to centralized laboratories.

5. In order to support the joint efforts of the Parties, aimed at preventing the spread of dangerous pathogens and relevant knowledge, as well as minimizing potential biological threats, the Ministry of Health of Ukraine shall transfer to the US Department of Defense copies of those strains of dangerous pathogens for which the US Department of Defense has made request, and which were collected in Ukraine, for the implementation of joint biological research for preventive, protective and peaceful purposes in centralized laboratories in Ukraine and in laboratories designated by the US Department of Defense on the territory of the United States of America. The details of such cooperation shall be determined by annual Joint Requirements and Implementation Plans developed in accordance with paragraph 7 of Article IV of this Agreement or implementing arrangements in accordance with Article VI of this Agreement. The Ministry of Health of Ukraine provides the US Department of Defense with information obtained from the infectious disease surveillance network of the Ministry of Health of Ukraine or institutions designated by it, so that the Parties can better detect, diagnose, and monitor disease outbreaks in Ukraine.

6. Dangerous pathogens stored in centralized laboratories remain in these laboratories during the validity of the Framework Agreement (840_007). The Ministry of Health of Ukraine immediately informs the US Department of Defense in writing about the temporary removal of dangerous pathogens from centralized laboratories due to emergency situations. The Ministry of Health of Ukraine will return all pathogens as soon as possible,

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exported from centralized laboratories, to these or other centralized laboratories.

7. The Ministry of Health of Ukraine or an institution designated by it cooperates with the US Department of Defense for the purpose of developing annual Plans of joint requirements and implementation with the definition of the main obligations, requirements and scope of responsibility for each of the projects implemented in accordance with this Agreement; at the same time, the Parties or the implementing bodies designated by them sign these plans.

Article V

1. The US Department of Defense, in accordance with Article X of the Framework Agreement (840_007), has the right to revise and check materials, training of specialists and services provided in accordance with this Agreement at facilities on the territory of Ukraine during the validity of the Framework Agreement. Conducting such audits and inspections can be carried out in accordance with the provision of the implementation agreement on conducting audits and inspections of the assistance of the United States of America to Ukraine in connection with the Agreement between Ukraine and the United States of America dated October 25, 1993.

2. In addition to the rights provided for in Article X of the Framework Agreement (840_007), representatives of the US Department of Defense have the right to participate in all aspects of the performance of contracts and activities related to their performance at facilities in Ukraine, in accordance with the terms of this Agreement.

Article VI

If necessary, the Parties may enter into additional implementing agreements or agreements to implement the provisions of this Agreement. In the event of any inconsistency between this Agreement and any such arrangements or agreements, the provisions of this Agreement shall prevail.

Article VII

In order to facilitate the provision of assistance under the provisions of this Agreement, and without limiting the right of the US Department of Defense to conduct audits and inspections pursuant to Article V of this Agreement:

1. Information that is transferred in accordance with this Agreement or that is developed as a result of the implementation of the provisions of this Agreement and that is defined as "sensitive" ("sensitive") information by the US Department of Defense and "confidential information" ("restricted information") by the Ministry of Health of Ukraine, must be clearly defined and marked accordingly.

2. "Sensitive" information or "confidential information" is protected in accordance with the current legislation of the State of the Party receiving such information.

A) According to the laws and regulations of the United States of America, such information is considered "sensitive information of a foreign government" and will not be released to the public within the framework provided by the applicable laws and regulations of the United States of America. Any such information provided by the Ministry of Health of Ukraine to the US Department of Defense must be accompanied by a written notification from the Government of Ukraine stating that the Government of Ukraine will not release such information and that this information is being provided to the Government of the United States must of America provided that it is not will be made public without the permission of the Government of Ukraine. In this written notification, the Government of Ukraine also determines the date until which the provided information must be kept undisclosed by the Government of the United States of America. This date may be changed to a later date by the US Department of Defense within the framework provided by the current legislation and regulations of the United States of America at the request of the Government of Ukraine.

B) The government of Ukraine must not release information that the US Department of Defense has identified as "sensitive".

3. The parties shall limit the number of persons who have access to information defined as "sensitive" or "confidential information" in accordance with paragraph 2 of this article.

4. During the execution of the provisions of this Agreement, access to certain information and technologies, which are considered state secrets of Ukraine, may be provided to the US Department of Defense in accordance with the requirements of the Law of Ukraine "On State Secrets" (3855-12).

Article VIII

This Agreement enters into force from the date of signing and remains valid during the validity of the Framework Agreement (840_007). This Agreement may be amended by the written consent of the Parties and may be terminated by either Party upon 90 days' written notice to the other Party of its intention to do so, provided that the provisions of paragraph 6 of Article IV shall remain in effect during the term of the Framework Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

Done in Kyiv on August 29, 2005 in two copies, each in Ukrainian and English, both texts are authentic.

For the Ministry of Health of Ukraine	For the Department of Defense of the United States of America
(signature)	(signature)

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